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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,288	10/25/2001	Robert J. Menendez	7780/18 (T00349)	9645
34456 7590 11/01/2007 LARSON NEWMAN ABEL POLANSKY & WHITE, LLP 5914 WEST COURTYARD DRIVE SUITE 200 AUSTIN, TX 78730			EXAMINER THIER, MICHAEL	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/040,288	Applicant(s) MENENDEZ, ROBERT J.	
	Examiner Michael T. Thier	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/15/2007 have been fully considered but they are not persuasive.

Applicant argues that Flick does not teach a “mobile communications device” rather a receiver wired within a vehicle.

In response to applicant's argument, the examiner respectfully disagrees. The receiver 29 clearly reads on a mobile communication device as claimed since it is located within a vehicle, which is clearly mobile. Thus, the receiver is a mobile receiver and therefore a mobile communications device. Further, the decision by the board of patent appeal and interferences affirming the examiner on 8/14/2007 states on page 4, the final paragraph, “Therefore, we find that the invention is taught by the teachings of Flick '946.”

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-7, 12, 16-18, 20-22, 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Flick (6,703,946).

Regarding claims 1, 16. Flick teaches a vehicle comprising a position determination device (42; fig. 2); a subsystem indicator indicating a condition of a subsystem of the vehicle (vehicle device 26, fig. 1); an associated mobile communication device (RCV 29, fig. 2); and a hub (vehicle security controller 27) in permanent communication with a central computer (col. 5, ln. 49-64), the hub communicating with the position determination device, the subsystem indicator, and the mobile communication device (col. 5, ln. 31-53).

Regarding claims 2, 17. Flick further teaches the position determination device comprises a GPS receiver (GPS receiver 42, fig. 2).

Regarding claims 3, 18. Flick further teaches the subsystem indicator indicates the condition of an ignition of the service vehicle (ignition switch 65, fig. 2).

Regarding claims 5, 20. Flick further teaches the hub is in wireless communication with a cellular tower (wireless receiver 29, fig. 2, is in wireless communication with monitoring station 30, fig. 1; col. 12, ln. 15-25).

Regarding claims 6-7, 21-22. Flick further teaches the central computer communicates with an Internet site (col. 1, ln. 56 to col. 2, ln. 4; col. 13, ln. 1-14, fig. 3).

Regarding claims 12, 27. Flick further teaches the hub is in wireless communication with a cellular tower (wireless receiver 29, fig. 2, is in wireless communication with monitoring station 30, fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 8-9, 13-15, 19, 23-24, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (6,703,946).

Regarding claims 4, 19. Flick does not teach that the subsystem indicator indicates the condition of an odometer of the vehicle. However, Flick teaches that the subsystem indicator indicates the condition of the ignition, alarm, acceleration, battery, etc (col. 10, ln. 21 to col. 11, ln. 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Flick, so that the subsystem can provide information regarding the condition of the odometer in order to keep track how far the vehicle had traveled.

Regarding claims 8-9, 23-24. Flick does not teach the use of general packet radio service (GPRS) and cellular digital packet data (CDPD) protocols. However, these protocols are well known in the wireless art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize GPRS or CPDP advance features since CDPD shares bandwidth with cellular voice traffic. The channel is occupied just for the time it takes to send packets of data. If the channel is subsequently required for voice, the CDPD transmission will "hop" to another vacant channel.

Regarding claims 13-14, 28-29. Flick does not teach the use of IEEE-802.11 (wireless LAN protocol) and bluetooth (wireless data transmission) protocols are well known in wireless art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flick teachings, so that it can be used with IEEE-802.11 (wireless LAN protocol) and bluetooth (wireless data transmission) protocols in order to reduce wiring harness, and simplifying the installation of the LAN.

Regarding claims 15, 30. Flick illustrates in figs. 1-2 that the hub is in wire-line communication with the subsystem indicator. However, wireless hub is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flick teachings, so that the hub is in wireless communication with the subsystem indicator in order to reduce wiring harness, and simplifying the installation of the tracking system.

6. Claims 10-11, 25-26, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (6,703,946) in view of Saunders et al (5,918,172).

Regarding claims 10-11, 25-26, 31. Flick teaches a vehicle comprising a position determination device (42; fig. 2); a subsystem indicator indicating a condition of a subsystem of the vehicle (vehicle device 26, fig. 1); an associated mobile communication device (RCV 29, fig. 2); and a hub (vehicle security controller 27) in permanent communication with a central computer (col. 5, ln. 49-64), the hub communicating with the position determination device, the subsystem indicator, and the

mobile communication device (col. 5, ln. 31-53). Flick does not teach that the central computer provides directions to the vehicle to a subsequent destination and traffic data to the vehicle.

Saunders teaches the central computer provides directions to the vehicle to a subsequent destination and traffic data to the vehicle (col. 3, ln. 24-33; col. 4, ln. 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Saunders into the teachings of Flick in order to provides an integrated and efficient technique to deliver a variety of voice and enhanced services to customers.

Conclusion

7. This is an RCE of applicant's application after a decision by the BPAI. The board has affirmed the examiner in a decision dated 8/14/2007. The RCE contains no claim amendments, and therefore the claims are again finally rejected under the same grounds of the previous final rejection. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Thier whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael T Thier
Examiner
Art Unit 2617
10/18/2007



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